

REMARKS

Forty-one claims remain pending: claims 1-41. Claims 1, 7, 11, 15, 17, 21, 22, 23, 25, 26, 27, 33, 37 and 41 have been amended. Reconsideration of the application in view of the following remarks and above-identified amendments is respectfully requested.

Communications with Examiner to Correct Office Action

Applicants appreciate the Examiner taking time on November 23, 2004 to communicate, telephonically to the undersigned, corrections to typographical errors in the Office Action of September 24, 2004.

Specifically, on page three, the Examiner indicated that the portions of USPN 5,899,998 (“McGauley”) referenced by the Examiner relative to the recited “determining a universal person object corresponding to the demographic data” should be column 12, lines 33-54 instead of “column 30-42.” In addition, the Examiner indicated that the portion of McGauley cited relative to the recited “storing the information locator data so that the information locator data is associated with the universal person object” should be column 25, lines 1-15 instead of “column 25, lin3 20-.”

New Power of Attorney

A “Revocation and New Power By Assignee and Statement Under 37 C.F.R. §3.73(b)” appointing the undersigned as attorney of record in this application was filed on January 12, 2005. Applicants request the Examiner to acknowledge receipt of this document.

Examiner Interview

Applicants appreciate the Examiner taking time to discuss on December 21, 2004, the rejections made under 35 U.S.C. §101 and 35 U.S.C. §102 relative to the pending claims, and to consider the allowability of the pending claims over McGauley et al. (“McGauley”) USPN 5,899,998 in light of remarks made by Hans Coffey. As discussed further herein, Applicants have made amendments to the claims in accordance with the discussions with the Examiner so as to help clarify distinctions between claimed invention and the prior art.

Claim Rejections Under 35 U.S.C. §101

The Examiner has rejected claims 1-14 under 35 U.S.C. §101 on the basis that these claims “disclose a claimed invention that is an ‘abstract idea.’” Specifically, the Examiner has indicated “that the claims are *program per se* and no more than manipulation of data and producing useful results.”

In response, Applicants have amended independent claims 1, 7 and 11, as suggested by the Examiner, to include the recitation of a “computer” so as to clarify that the inventions of claims 1, 7 and 11 are not a computer program per se. Applicants respectfully request that the rejection of independent claims 1, 7 and 11 and associated dependent claims 2-6, 8-10 and 12-14 be removed.

Claim Rejections Under 35 U.S.C. §102

The Examiner has rejected claims 1-41 on the basis that the claims are anticipated by McGauley USPN 5,899,998. Applicants respectfully traverse this rejection.

As discussed during the interview with the Examiner, McGauley teaches a system

in which medical data items are automatically propagated from their sites of origin to several different memory storage sites, independently and selectively. The memory sites exist in: (1) portable data carriers (PDC), (2) medical point-of-service (POS) stations and (3) administrative services systems.

(McGauley, Col. 2, lines 32-37)

In contrast to McGauley's replication of medical data from sites of origin to other memory storage sites, independent claims 1, 7, 11, 15, 17, 21, 22, 23, 27, 33 and 37 recite "locator data," which identifies one or more locations where one or more patient records exist. In addition, Applicants have amended independent claims 1, 7, 11, 15, 17, 21, 22, 23, 27, 33 and 37 to further clarify that the "locator data" enables a "virtually centralized" view of health care records distributed among "disparate" organizations, providers or systems. In accordance with the amended independent claims, several embodiments of the claimed invention allow access to "a patient's clinical health record even though the records are dispersed across diverse locations." (Applicants' Specification, page 10, lines 5-6).

Applicants submit that McGauley, which teaches replicating data across different memory storage sites, neither teaches nor suggests utilizing "locator data" to enable a "virtually centralized" view of health care records distributed among "disparate" organizations.

Moreover, McGualey actually teaches away from Applicants' claimed use of "locator data," which in several embodiments, enables access to distributed health care records that are remotely distributed among "disparate organizations." Specifically, McGauley teaches the storing of "'patient specific' and 'site specific' medical data to be

present when and where it is needed, at every POS location" so that the "[b]ottleneck, system overload and service interruption problems" of obtaining distributed health care information is eliminated (McGauley, Col. 3, lines 9-15). As a consequence, Applicants submit that claims 1, 7, 11, 15, 17, 21, 22, 23, 27, 33 and 37 are novel, non-obvious and in condition for allowance. Moreover, Applicants submit that dependent claims 2-6, 8-10, 12-14, 16, 18-20, 24-26, 28-32, 34-36 and 38-40 are allowable, at least, by virtue of being dependent from their respective independent claims.

Applicants' further submit that McGauley neither teaches nor suggests the subject matter of amended independent claim 41, which is directed to "a data structure for defining a universal person object for use in correlating queries for records stored among a plurality of disparate organizations." Specifically, as discussed above, McGauley teaches a system of replicating medical data so that the medical data is stored where it is accessed. There is simply no need in McGauley's system for a data structure as claimed in amended independent claim 41, because McGauley does not contemplate "correlating queries for records stored among a plurality of disparate organizations." Thus, Applicants submit that claim 41 is novel, non-obvious and in condition for allowance.

Support for the amended claims is found, at least, at page 3, lines 1-16; page 5, lines 1-13; page 10, lines 1-9; page 16, lines 3-16; and page 24, lines 3-6.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that no further impediments exist to the allowance of this application and, therefore, solicit an indication of allowability. However, the Examiner is requested to call the undersigned if any question or comments arise.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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